

Remarks/Arguments

Original claims 1-18 remain in the application.

Claims 1-11 have been indicated as allowable.

Claims 12 and 13 have been canceled without prejudice in this paper.

Claims 15-18 have been rejected.

Claims 12-14 are objected to.

In item 3 of the Office Action dated April 1, 2003, the Examiner has objected to the disclosure and drawings, citing various informalities. Paragraphs 53, 54, 56, 57, 58, 59, 61, and 62 of the Specification and Figures 20B, 22, and 23, have been amended to overcome the various informalities as indicated below.

With respect to item “a.”, Applicants point out that the LDA is one individual element of the many individual elements making up the medium voltage motor control center disclosed in the present application. The LDA is concerned only with ensuring the discharge or grounding of the load when the contactor is in the OPEN position (page 16, lines 22-24). Therefore, the description is confined to the load terminal lugs 1802 and those elements which perform the mechanical operation of grounding the load.

With respect to item “b.”, Applicants point out that the reference numeral **2022**, as used in paragraph **54** of the Specification, was used to collectively refer to numerals **2022A**, **2022B**, **2022C**, which appear on Figure 20B. Paragraph **54** has been revised to clearly reflect that the mounting holes are shown on Figure 20B as numerals **2022A**, **2022B**, **2022C**. Confusion of reference numeral **2022** with that of the fuse holder assembly has been addressed with respect to item b., as described below.

With respect to item “c.”, reference numeral **2022** in Figure 20B refers to the illustrated three-fuse holder assembly. Figure 20B has been revised to change this reference numeral to **2010'** to avoid confusion with the mounting holes **2022A**, **2022B**, **2022C**. Additionally, Paragraphs **53** and **57** have been revised to use the reference numeral **2010'**, instead of **2022**, when referring to the three-fuse holder assembly. Reference numeral **2022**

does not appear in Figure 23. A revised drawing of Figure 20B has been included with this Response.

With respect to item "d.", Applicants have revised Paragraph 56 and Figures 22 and 23 to add reference numerals **2232A**, **2232B1**, **2232B2**, **2232C1**, **2232C2** to the slots in the upper fuse holders. Paragraph **56** has also been revised to reflect that the upper fuse holder **1904** has two illustrated embodiments, which are shown by reference numerals **2206A**, **2206B**, **2206C** on Figures 22 and 23. Applicants have revised Paragraph **53** to add the word "lower" when referring to the lower fuse holders **1908A**, **1908B**, **1908C**, which are illustrated in two embodiments: a lower two-fuse holder **2010** and a lower three-fuse holder assembly **2010'**. Applicants believe these changes eliminate the confusion regarding the upper and lower fuse holders, and the configuration of each. A revised drawing of Figures 22 and 23 have been included with this Response.

With respect to item "e", Applicants agree that reference numeral **2108** points to a frame surrounding the view window into the disconnect switch **1902**. Applicants have revised Paragraph **58** to reflect that the reference numeral **2108** indicates the frame of the window for viewing the internals of the housing **2104**.

With respect to item "f", Applicants have revised Paragraph **59** to change the reference numeral of the upper switch contacts from **2204** to **2202**. Additionally, Applicants have revised the reference numerals of Figure 23 to reflect that the view is of the third contact in the disconnect switch **1902** by adding "C" to the end of the reference numerals that are also shown on Figure 22. A revised drawing of Figure 23 has been included with this Response.

With respect to item "g", Applicants have changed Paragraphs **59**, **61**, and **62** in the Specification to clearly delineate the various components identified on the drawings and to use consistent descriptions for the components. In particular, the Specification has been revised such that reference numeral **2206** refers to the upper fuse holder and reference numeral **2314** refers to the lower switch contact. This usage is consistent with the figures and the other portions of the Specification. Figure 22 has been revised to show reference

numerals **2314A**, **2314B**, **2314C**, and Figure 23 has been revised to show reference numeral **2314C**. Revised drawings of Figures 22 and 23 have been included with this Response.

With respect to item “h”, regarding the Examiner's assertion that the Specification contains excessive content, Applicants note that the thorough description of the motor controller and its components provides context and establishes the environment for the Applicants' invention. Also, there are five co-pending applications with similar disclosures that claim various inventions related to the medium voltage motor controller. Further, Applicants reserve the right to file continuations to claim any additional disclosed inventions during the pendency of this application. Finally, Applicants are not aware of, nor has the Examiner provided any reference to, any statute or rule restricting the length or content of the disclosure in an application. Accordingly, Applicants respectfully request the Examiner to withdraw his objection to the perceived excessive discussion.

Applicants respectfully submit that no new matter has been added to the Application by the above-identified amendments because the amendments correct reference numeral errors and ensure consistent use of component nomenclature in the Specification. Applicants respectfully submit that, with the above-identified changes to the drawings and Specification, the Examiner's objections have been completely addressed.

Claims 15-18 have been rejected under 35 U.S.C. 102 (b), as being anticipated by Gimeno et al. (6,013,886). To anticipate, “the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.” (M.P.E.P. 706.02) “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (M.P.E.P. 2131) The applicants contend that claims 15-18 meet the three requirements set forth in M.P.E.P. 2181 for means-plus function claims as set forth in 35 U.S.C. 112, sixth paragraph. In *In re Donaldson Co.*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994), the Federal Circuit stated:

Per our holding, the “broadest reasonable interpretation” that an examiner may give means-plus function language is that

statutorily mandated in paragraph six. Accordingly, the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination.

Therefore, as also stated in M.P.E.P. 2181, "The USPTO must apply 35 U.S.C. 112, sixth paragraph in appropriate cases, and give claims there broadest reasonable interpretation, in light of and consistent with the written description of the invention in the application." The applicants further contend that Gimeno does not teach or suggest the simple structure of the functional elements as taught in the specification and drawings of the present application and therefore can not anticipate, as defined in M.P.E.P. 706.02, claims 15-18.

In reply to the Office Action dated April 1, 2003, the objections and rejections set forth by the Examiner have been carefully considered and various amendments have been made to the specification and drawings to correct informalities noted by the Examiner. Claim 14 has been amended to overcome the Examiner's objections and arguments in support of claims 15-18, have been presented for the Examiner's consideration. The applicants believe all pending claims are allowable and therefore respectfully request favorable reconsideration and allowance of this Application.

Respectfully submitted,


David Russell Stacey, Reg No. 33,794

SQUARE D COMPANY
1415 South Roselle Road
Palatine, Illinois 60067
Telephone: 847/925-3458
Facsimile: 847/925-7419